

STATE OF NORTH CAROLINA

FILED

MECKLENBURG County

2005 JUN 28 AM 11:12

File No.

05 CV 10528

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff

ROBERT LOWINGER, Individually, et al MECKLENBURG COUNTY, N.C.

Address

City, State, Zip

BY

VERSUS

Name Of Defendant(s)

EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al

CIVIL SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Daniel G. Bergstein
 Paul, Hastings, Janofsky & Walker, LLP
 75 East 55th Street
 New York, NY 10022

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

John T. O'Neal
 Donaldson & Black, P.A.
 208 West Wendover Avenue
 Greensboro, NC 27401
 Telephone: 336-273-3812

Date Issued

Signature

Time

1051

 AM PM Deputy CSC Assistant CSC Clerk Of Superior Court

Date Of Endorsement

Time

 AM PM

Signature

 Deputy CSC Assistant CSC Clerk Of Superior Court ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

ENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Daniel G. Bergstein

Paul, Hastings, Janofsky
& Walker, LLP5 East 55th Street

New York, NY 10022

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Daniel G. Bergstein

C. Date of Delivery

7/14/05

B. Received by (Printed Name)

Agent

Addressee

D. Is delivery address different from item 1?

 Yes No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

Article Number

7004 1160 0004 8278 5931

Transfer from service

Domestic Return Receipt

102595-02-M-1540

Form 3811, February 2004

NORTH CAROLINA

MECKLENBURG COUNTY

FILED

JUN 3 2005
IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

05 CvS 10328

ROBERT LOWINGER, Individually)
and On Behalf of All Others)
Similarly Situated,)

Plaintiffs,)

v.)

AFFIDAVIT OF SERVICE

EUGENE B. JOHNSON, DANIEL G.
BERGSTEIN, KELSO INVESTMENT
ASSOCIATES V, L.P., KELSO EQUITY
PARTNERS V, L.P., FRANK K. BYNUM, JR.,
GEORGE E. MATELICH, KELSO & COMPANY
and FAIRPOINT COMMUNICATIONS, INC.,)

Defendants.)

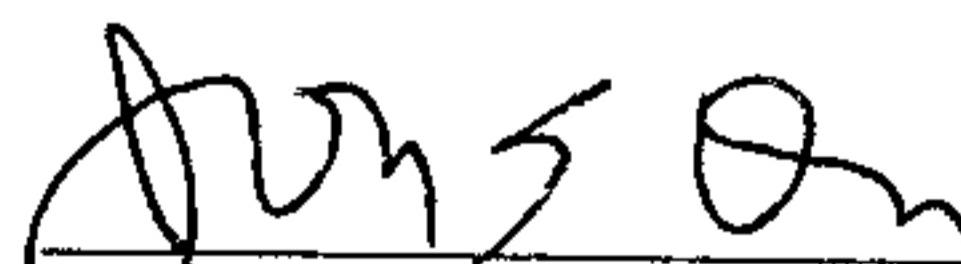
John T. O'Neal, being first duly sworn, deposes and says that:

1. I am the attorney for the Plaintiffs in this pending civil action.
2. A copy of the Summons and Complaint was deposited in the U. S. Post Office, postage prepaid, on June 10, 2005, by certified mail, return receipt requested.

3. The copy of the Summons and Complaint was mailed to:

Frank K. Bynum, Jr.
c/o Kelso & Company
320 Park Avenue, 24th Floor
New York, NY 10022

4. Process was in fact received on June 14, 2005, as evidenced by the attached return receipt.



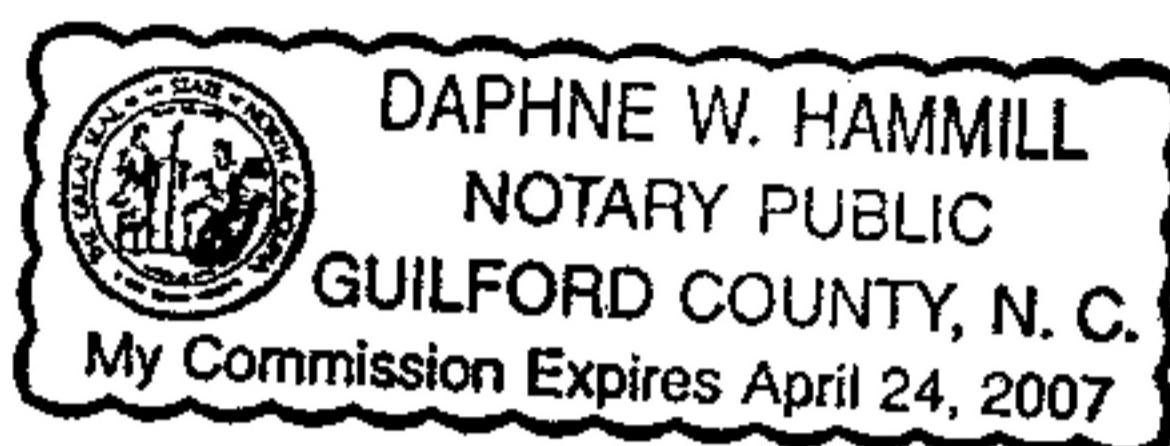
John T. O'Neal
N. C. State Bar No. 23446
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, North Carolina 27401
336-273-3812

Sworn to and subscribed before me,
this the 27th day of June 2005.

Daphne S. Hammill

Notary Public

My Commission Expires: April 24, 2007



STATE OF NORTH CAROLINA

FILED

File No.

05cv 10386

MECKLENBURG County

2005 JUN 23 AM 11:14

In The General Court Of Justice

 District Superior Court Division

Name Of Plaintiff

ROBERT LOWINGER, Individually, et al

Address

NY

City, State, Zip

VERSUS

Name Of Defendant(s)

EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

G.S. 1A-1, Rules 3, 4

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Frank K. Bynum, Jr.
c/o Kelso & Company
320 Park Avenue, 24th Floor
New York, NY 10022

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, NC 27401
Telephone: 336-273-3812

Date Issued	Time	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input checked="" type="checkbox"/> Clerk Of Superior Court

 ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Frank K. Bynum, Jr.
c/o Kelso & Company
320 Park Avenue, 24th Floor

New York, NY 10022

COMPLETE THIS SECTION ON DELIVERY

A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by 	C. Date of delivery 1/1/10
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes

2. Article
(Trans.)
PS Form

12595-02-M-1540

JUN 14 2005

NORTH CAROLINA

FILED IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

MECKLENBURG COUNTY 2005 JUN 29 AM 11:14 05 CvS 10328

ROBERT LOWINGER, Individually)
and On Behalf of All Others)
Similarly Situated, BY _____)

Plaintiffs,)

v.)

AFFIDAVIT OF SERVICE

EUGENE B. JOHNSON, DANIEL G.)
BERGSTEIN, KELSO INVESTMENT)
ASSOCIATES V, L.P., KELSO EQUITY)
PARTNERS V, L.P., FRANK K. BYNUM, JR.,)
GEORGE E. MATELICH, KELSO & COMPANY)
and FAIRPOINT COMMUNICATIONS, INC.,)

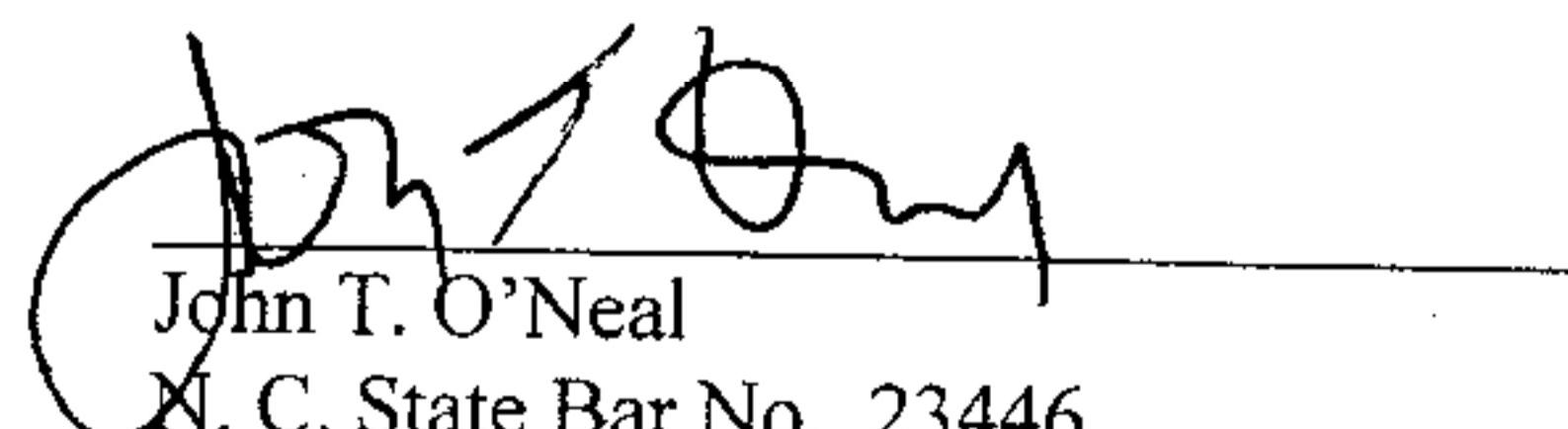
Defendants.)

John T. O'Neal, being first duly sworn, deposes and says that:

1. I am the attorney for the Plaintiffs in this pending civil action.
2. A copy of the Summons and Complaint was deposited in the U. S. Post Office, postage prepaid, on June 10, 2005, by certified mail, return receipt requested.
3. The copy of the Summons and Complaint was mailed to:

George E. Matelich
c/o Kelso & Company
320 Park Avenue, 24th Floor
New York, NY 10022

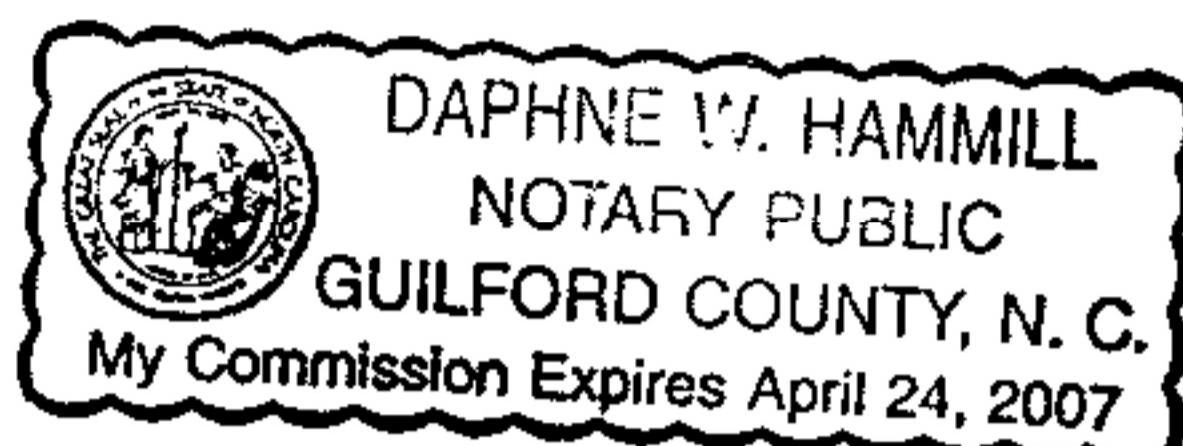
4. Process was in fact received on June 14, 2005, as evidenced by the attached return receipt.


John T. O'Neal
N. C. State Bar No. 23446
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, North Carolina 27401
336-273-3812

Sworn to and subscribed before me,
this the 27th day of June 2005.

Daphne S. Hammill
Notary Public

My Commission Expires: April 24, 2007



STATE OF NORTH CAROLINA

MECKLENBURG County

FILED

File No.

05 CV 5

10328

In The General Court Of Justice

2005 JUN 29 AM 11:14 District Superior Court Division

Name Of Plaintiff

MECKLENBURG COUNTY C.S.C.

ROBERT LOWINGER, Individually, et al

Address

City, State, Zip

VERSUS

EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al

CIVIL SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

George E. Matelich
c/o Kelso & Company
320 Park Avenue, 24th Floor
New York, NY 10022

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, NC 27401
Telephone: 336-273-3812

Date Issued	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Signature	10/5/2005	
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

 ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

George E. Matelich
c/o Kelso & Company

320 Park Avenue, 24th Floor
New York, NY 10022

2. Artic

mail

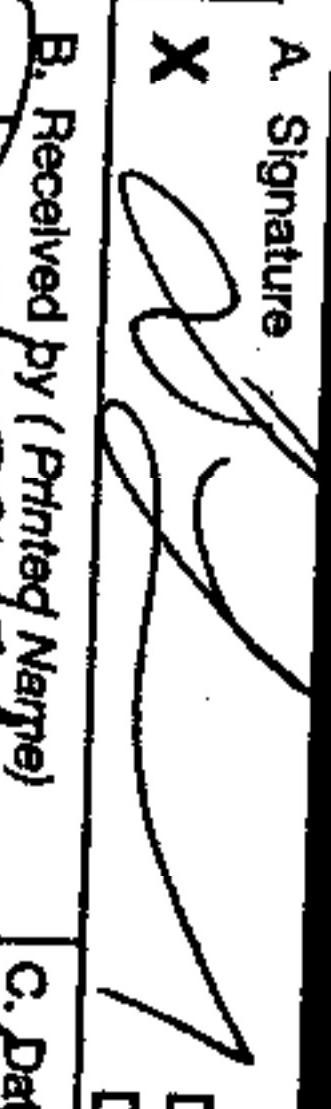
PS FOI

3. Service Type

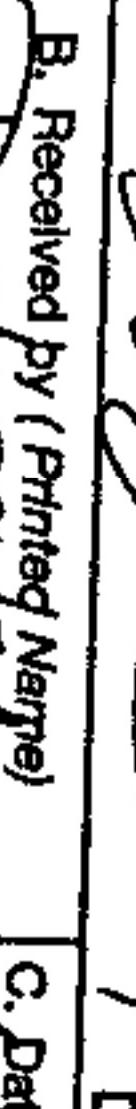
- Certified Mail Express Mail
 Registered Return Receipt for
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

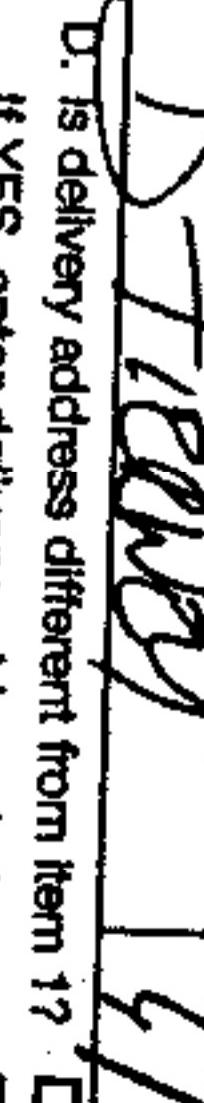
A. Signature



X

B. Received by (Printed Name)


E

C. Day
D. Is delivery address different from item 1?
If YES, enter delivery address below:


E

6/10/2005

FILED

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

MECKLENBURG COUNTY

JUN 29 AMH: 14 SUPERIOR COURT DIVISION

05 CvS 10328

MECKLENBURG COUNTY, N.C.

ROBERT LOWINGER, Individually)
and On Behalf of All Others)
Similarly Situated,)

Plaintiffs,)

v.)

AFFIDAVIT OF SERVICE

EUGENE B. JOHNSON, DANIEL G.
BERGSTEIN, KELSO INVESTMENT
ASSOCIATES V, L.P., KELSO EQUITY
PARTNERS V, L.P., FRANK K. BYNUM, JR.,
GEORGE E. MATELICH, KELSO & COMPANY)
and FAIRPOINT COMMUNICATIONS, INC.,)

Defendants.)

)

John T. O'Neal, being first duly sworn, deposes and says that:

1. I am the attorney for the Plaintiffs in this pending civil action.
2. A copy of the Summons and Complaint was deposited in the U. S. Post Office, postage prepaid, on June 10, 2005, by certified mail, return receipt requested.
3. The copy of the Summons and Complaint was mailed to:

Kelso & Company
c/o Joseph S. Schuchert, Chairman,
Board of Directors
320 Park Avenue, 24th Floor
New York, NY 10022

4. Process was in fact received on June 14, 2005, as evidenced by the attached return receipt.

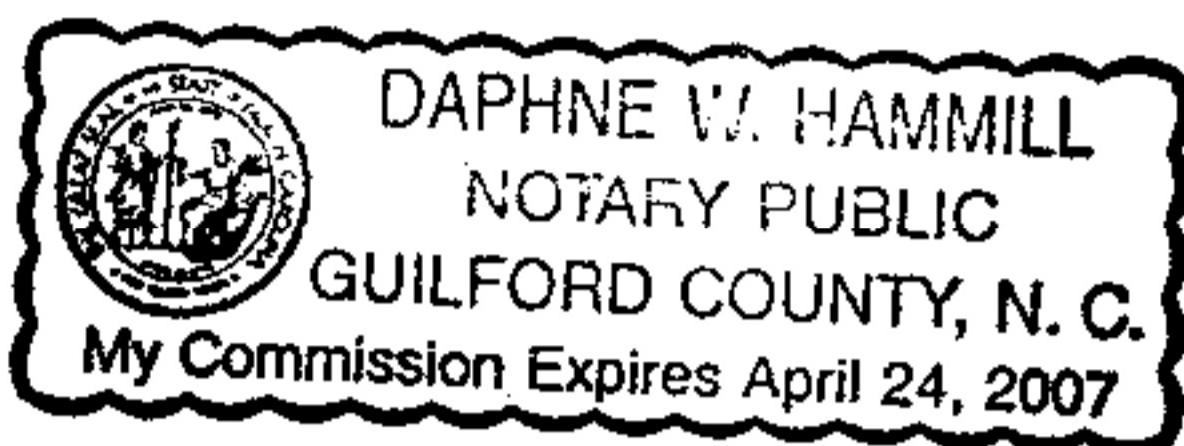

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, North Carolina 27401
336-273-3812

Sworn to and subscribed before me,
this the 27th day of June 2005.

Daphne S. Hammill

Notary Public

My Commission Expires: April 24, 2007



STATE OF NORTH CAROLINA FILED

File No. 05 CVS 10328

MECKLENBURG County 2005 JUN 29 AM 11:14

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff ROBERT LOWINGER, Individually, et al	
-----------------------------------------------------------	--

Address NY	
---------------	--

City, State, Zip	
------------------	--

VERSUS	
--------	--

Name Of Defendant(s) EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al	
-------------------------------------------------------------------------------------------------------------------------------------------	--

CIVIL SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1 Kelso & Company c/o Joseph S. Schuchert, Jr., Chairman, Board of Directors 320 Park Avenue, 24th Floor New York, NY 10022	Name And Address Of Defendant 2
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff) John T. O'Neal Donaldson & Black, P.A. 208 West Wendover Avenue Greensboro, NC 27401 Telephone: 336-273-3812

Date Issued 07/05/05	Time 10:51 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Signature 	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

 ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

146 74-1200W

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelso & Company, c/o Joseph S. Schuchert, Chairman,
Board of Directors

320 Park Avenue, Suite 7100
New York, NY 10022

A. Signature	<input checked="" type="checkbox"/> Agent
X	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Receipt
J. Schuchert	6/14/05

D. Is delivery address different from Item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article

ftra
PS Fo

102595-02-1

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

MECKLENBURG COUNTY

JUN 29 AM 11:15

05 CvS 10328

MECKLENBURG COUNTY, C.S.C.

ROBERT LOWINGER, Individually)
and On Behalf of All Others)
Similarly Situated,

Plaintiffs,

v.

) AFFIDAVIT OF SERVICE

EUGENE B. JOHNSON, DANIEL G.)
BERGSTEIN, KELSO INVESTMENT)
ASSOCIATES V, L.P., KELSO EQUITY)
PARTNERS V, L.P., FRANK K. BYNUM, JR.,)
GEORGE E. MATELICH, KELSO & COMPANY)
and FAIRPOINT COMMUNICATIONS, INC.,)

Defendants.

)

John T. O'Neal, being first duly sworn, deposes and says that:

1. I am the attorney for the Plaintiffs in this pending civil action.

2. A copy of the Summons and Complaint was deposited in the U. S. Post Office, postage prepaid, on June 10, 2005, by certified mail, return receipt requested.

3. The copy of the Summons and Complaint was mailed to:

Kelso Investment Associates V, L.P.
c/o James Connors, II, General Partner
of Kelso Partners V, L.P.
General Partner of Kelso Investment
Investment Associates V, L.P.
320 Park Avenue, 24th Floor
New York, NY 10022

4. Process was in fact received on June 14, 2005, as evidenced by the attached return receipt.

JTO

John T. O'Neal

Donaldson & Black, P.A.

208 West Wendover Avenue

Greensboro, North Carolina 27401

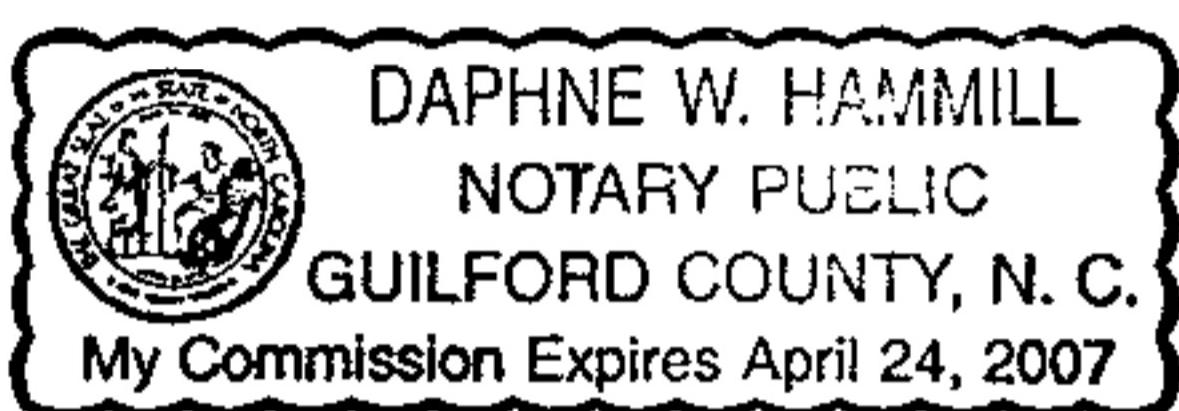
336-273-3812

Sworn to and subscribed before me,
this the 27th day of June 2005.

Daphne W. Hammill

Notary Public

My Commission Expires: April 24, 2007



STATE OF NORTH CAROLINA

MECKLENBURG County

FILED

File No.

05 Crs

100/18

2005 JUN 29 AM 11:15

In The General Court Of Justice

 District Superior Court Division

Name Of Plaintiff

ROBERT LOWINGER, Individually, et al

MECKLENBURG COUNTY, N.C.

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al

Date Original Summons Issued

G.S. 1A-1, Rules 3, 4

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Kelso Investment Associates V, L.P.
 c/o James J. Connors, II, General Partner of Kelso
 Partners V, L.P., General Partner of Kelso Investment
 Associates V, L.P.
 320 Park Avenue, 24th Floor
 New York, NY 10022

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

John T. O'Neal
 Donaldson & Black, P.A.
 208 West Wendover Avenue
 Greensboro, NC 27401
 Telephone: 336-273-3812

Date Issued

10/1/05

Time

10:00 AM PM

Signature

 Deputy CSC Assistant CSC Clerk Of Superior Court ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

10:00 AM PM

Signature

 Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelso Investment Assoc., LP

c/o James Connors, II, General
Partner of Kelso Partners, LP

General Partner of Kelso

Investment Assoc., LP
320 Park Avenue, 8th Floor

New York, NY 10022

2. Article
PS FOI

COMPLETE THIS SECTION ON DELIVERY

A. Signature


X

Agent

Addresssee

B. Received by (Printed Name)


J. H. Connors

C. Date of Delivery
11/10/05

D. Is delivery address different from item 1? Yes
 No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

NORTH CAROLINA

MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

JULY 29 2005 FILED: 05 CvS 10328

ROBERT LOWINGER, Individually
and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

AFFIDAVIT OF SERVICE

EUGENE B. JOHNSON, DANIEL G.
BERGSTEIN, KELSO INVESTMENT
ASSOCIATES V, L.P., KELSO EQUITY
PARTNERS V, L.P., FRANK K. BYNUM, JR.,
GEORGE E. MATELICH, KELSO & COMPANY
and FAIRPOINT COMMUNICATIONS, INC.,

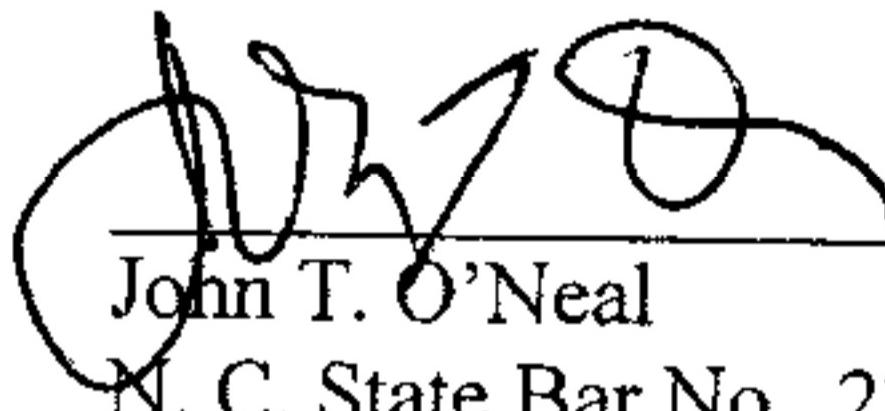
Defendants.

John T. O'Neal, being first duly sworn, deposes and says that:

1. I am the attorney for the Plaintiffs in this pending civil action.
2. A copy of the Summons and Complaint was deposited in the U. S. Post Office, postage prepaid, on June 10, 2005, by certified mail, return receipt requested.
3. The copy of the Summons and Complaint was mailed to:

Kelso Equity Partners V, LP
c/o James J. Connors II, General Partner
320 Park Avenue, 24th Floor
New York, NY 10022

4. Process was in fact received on June 14, 2005, as evidenced by the attached return receipt.


John T. O'Neal

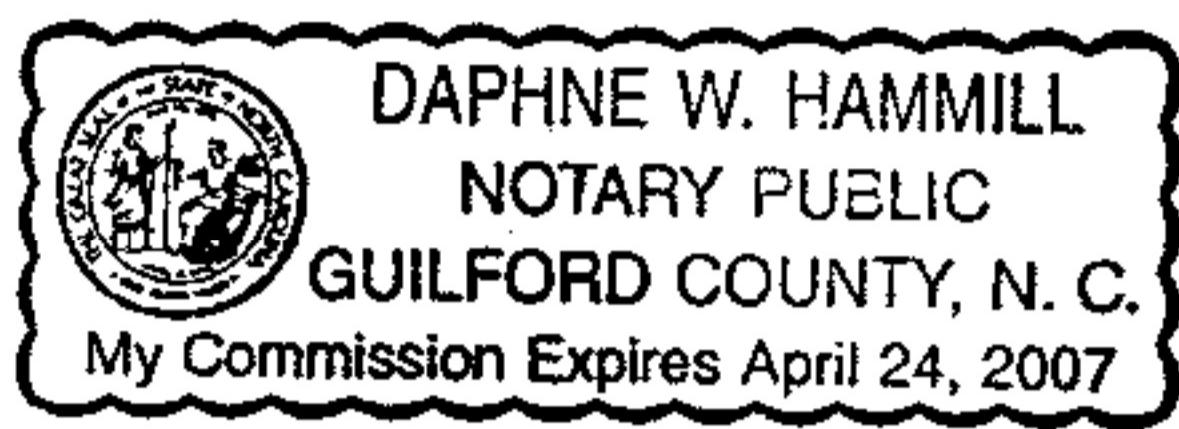
N. C. State Bar No. 23446
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, North Carolina 27401
336-273-3812

Sworn to and subscribed before me,
this the 27th day of June 2005.

Daphne W. Hammill

Notary Public

My Commission Expires: April 24, 2007



STATE OF NORTH CAROLINA

MECKLENBURG County

FILED

File No.

05 CV 5

10528

2005 JUN 29 AM 11:15

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff

ROBERT LOWINGER, Individually, et al

MECKLENBURG COUNTY C.S.C.

Address

City, State, Zip

BY

VERSUS

Name Of Defendant(s)
EUGENE B. JOHNSON, DANIEL G. BERGSTEIN, KELSO INVESTMENT ASSOCIATES V, L.P., KELSO EQUITY PARTNERS V, L.P., et al

CIVIL SUMMONS

 ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Kelso Equity Partners V, L.P.
c/o James J. Connors, II, General Partner
320 Park Avenue, 24th Floor
New York, NY 10022

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, NC 27401
Telephone: 336-273-3812

Date Issued	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
JULY 15 2005		
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

 ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM
JULY 15 2005		
Signature		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

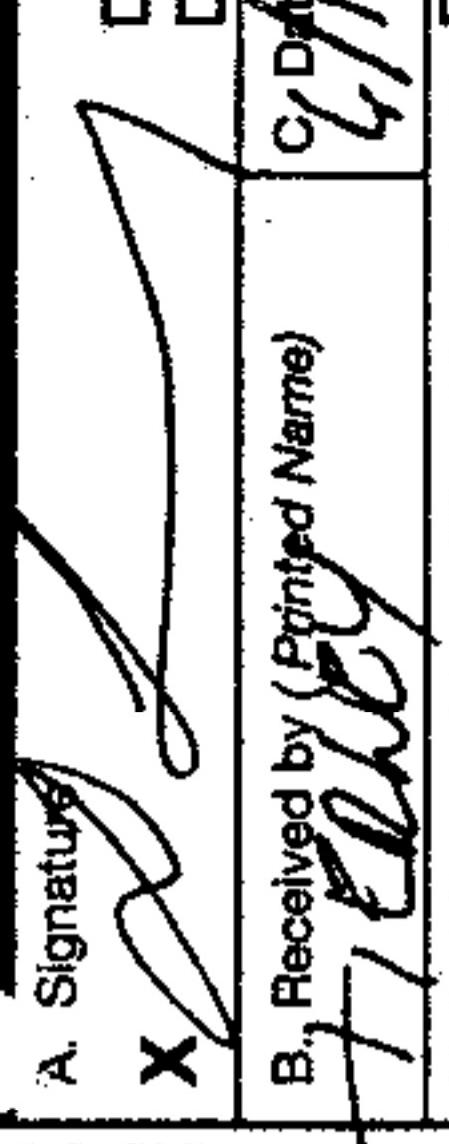
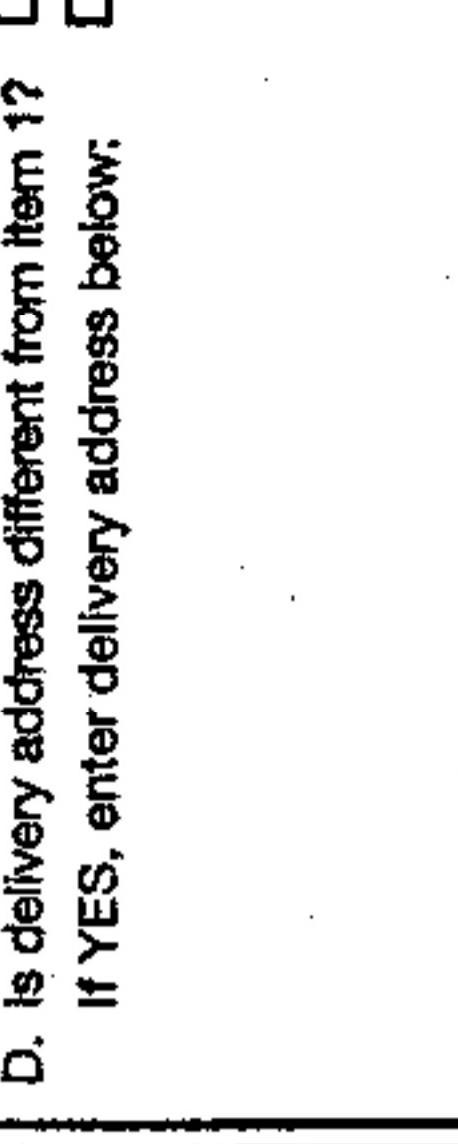
NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelso Equity Partners V, LP
c/o James J. Connors, II,
General Partner
320 Park Avenue, 24th Floor
New York, NY 10022

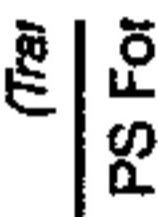
A. Signature 	B. Received by 	C. Date 6/11/05
----------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	--------------------

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Me
<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.

4. Restricted Delivery? Extra Fee!

0259

2. Article


PS For

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED

IN THE GENERAL COURT OF JUSTICE
2005 JUL 11 AM \$100
SUPERIOR COURT DIVISION
MECKLENBURG COUNTY, C.S.C. 4CV 03140

ROBERT LOWINGER, Individually and)
On Behalf of All Others Similarly Situated,)
Plaintiff,)
v.)
EUGENE B. JOHNSON, DANIEL B.)
BERGSTEIN, KELSO INVESTMENT)
ASSOCIATES V, L.P., KELSO EQUITY)
PARTNERS V, L.P., FRANK K. BYNUM,)
JR., GEORGE E. MATELICH, KELSO &)
COMPANY and FAIRPOINT)
COMMUNICATIONS, INC.,)
Defendants.)

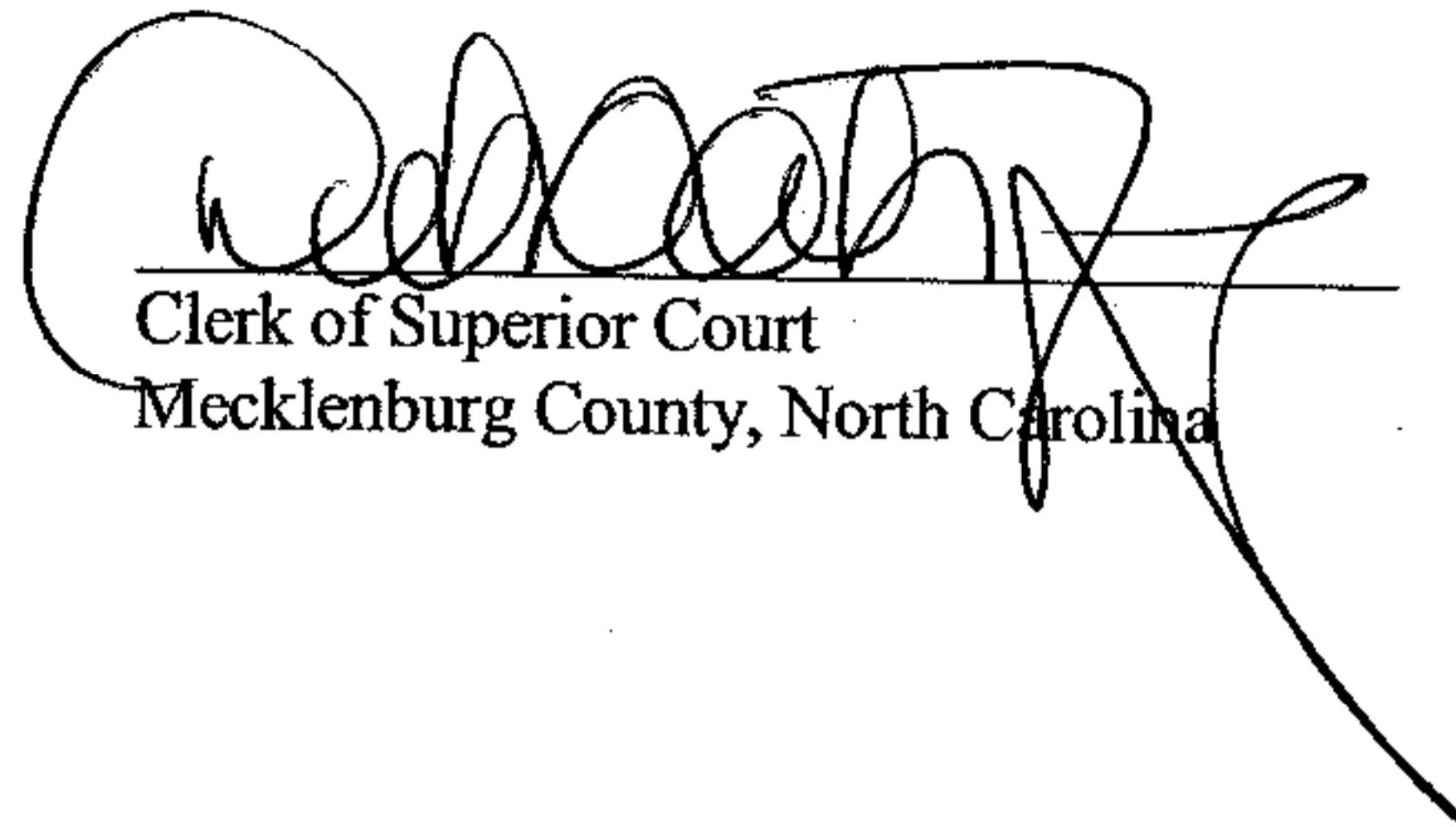
**ORDER GRANTING
EXTENSION OF TIME**

Pursuant to Rule 6(b) of the North Carolina Rules of Civil Procedure and upon motion of Defendants Eugene B. Johnson (“Johnson”), Daniel B. Bergstein (“Bergstein”), Kelso Investment Associates V, L.P. (“Kelso Investments”), Kelso Equity Partners V, L.P. (“Kelso Equity”), Frank K. Bynum, Jr. (“Bynum”), George E. Matelich, (“Matelich”), Kelso & Company and FairPoint Communications, Inc. (“FairPoint”) for a thirty (30) day extension of time within which to respond to Plaintiff’s complaint, and with the consent of Plaintiff’s counsel and for good cause shown, it is

NOW THEREFORE ORDERED that Defendants FairPoint and Johnson shall have an extension of time of thirty (30) days, through and including August 12, 2005 within which to serve their answer or other responses to the Complaint, and defendants Kelso Equity, Kelso & Company, Kelso Investment, Matelich, Bynum, and Bergstein shall have an extension of time of

thirty (30) days, through and including August 13, 2005 within which to serve their Answer or other responses to the Complaint.

This the 11 day of July, 2005.


Clerk of Superior Court
Mecklenburg County, North Carolina

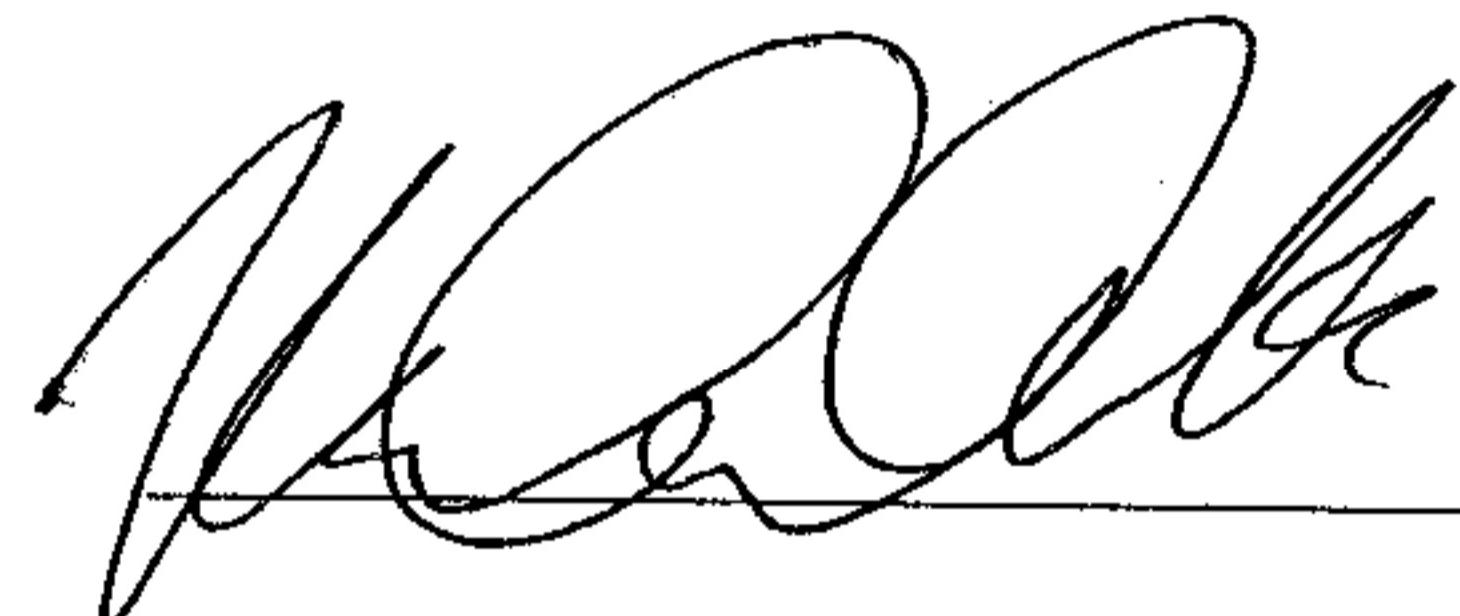
CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **Order Granting Extension of Time** has been served this day by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in postage prepaid envelopes and properly addressed as follows:

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, NC 27401
(336) 273-3812

Jeffrey S. Abraham
Abraham, Fruchter & Twersky LLP
One Penn Plaza
Suite 2805
New York, NY 10119
(212) 279-5050

This the 11th day of July, 2005.

A handwritten signature in black ink, appearing to read "Donaldson & Black, P.A.", is placed over a horizontal line.

FILED
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
2005 JUL 11 AM 11:49 SUPERIOR COURT DIVISION
MECKLENBURG COUNTY, C.S.C. 4CV 03140

ROBERT LOWINGER, Individually and _____
On Behalf of All Others Similarly Situated, _____
Plaintiff, _____
v.
EUGENE B. JOHNSON, DANIEL B.
BERGSTEIN, KELSO INVESTMENT
ASSOCIATES V, L.P., KELSO EQUITY
PARTNERS V, L.P., FRANK K. BYNUM,
JR., GEORGE E. MATELICH, KELSO &
COMPANY and FAIRPOINT
COMMUNICATIONS, INC., _____
Defendant. _____

CONSENT MOTION
FOR
EXTENSION OF TIME

Pursuant to Rule 6(b) of the North Carolina Rules of Civil Procedure, Defendants, Eugene B. Johnson (“Johnson”), Daniel B. Bergstein (“Bergstein”), Kelso Investment Associates V, L.P. (“Kelso Investments”), Kelso Equity Partners V, L.P. (“Kelso Equity”), Frank K. Bynum, Jr. (“Bynum”), George E. Matelich, (“Matelich”), Kelso & Company and FairPoint Communications, Inc. (“FairPoint”) move this Court for thirty (30) day extension of time within which to respond to Plaintiff’s complaint. In support of this motion, Defendant shows as follows:

1. The Complaint was served on Defendants FairPoint and Johnson via certified mail on July 13, 2005 and the time to respond has not yet expired;

2. The complaint was served on Defendants Kelso Equity, Kelso & Company, Kelso Investment, Matelich, Bynum, and Bergstein via certified mail on June 14, 2005 and the time to respond has not yet expired;

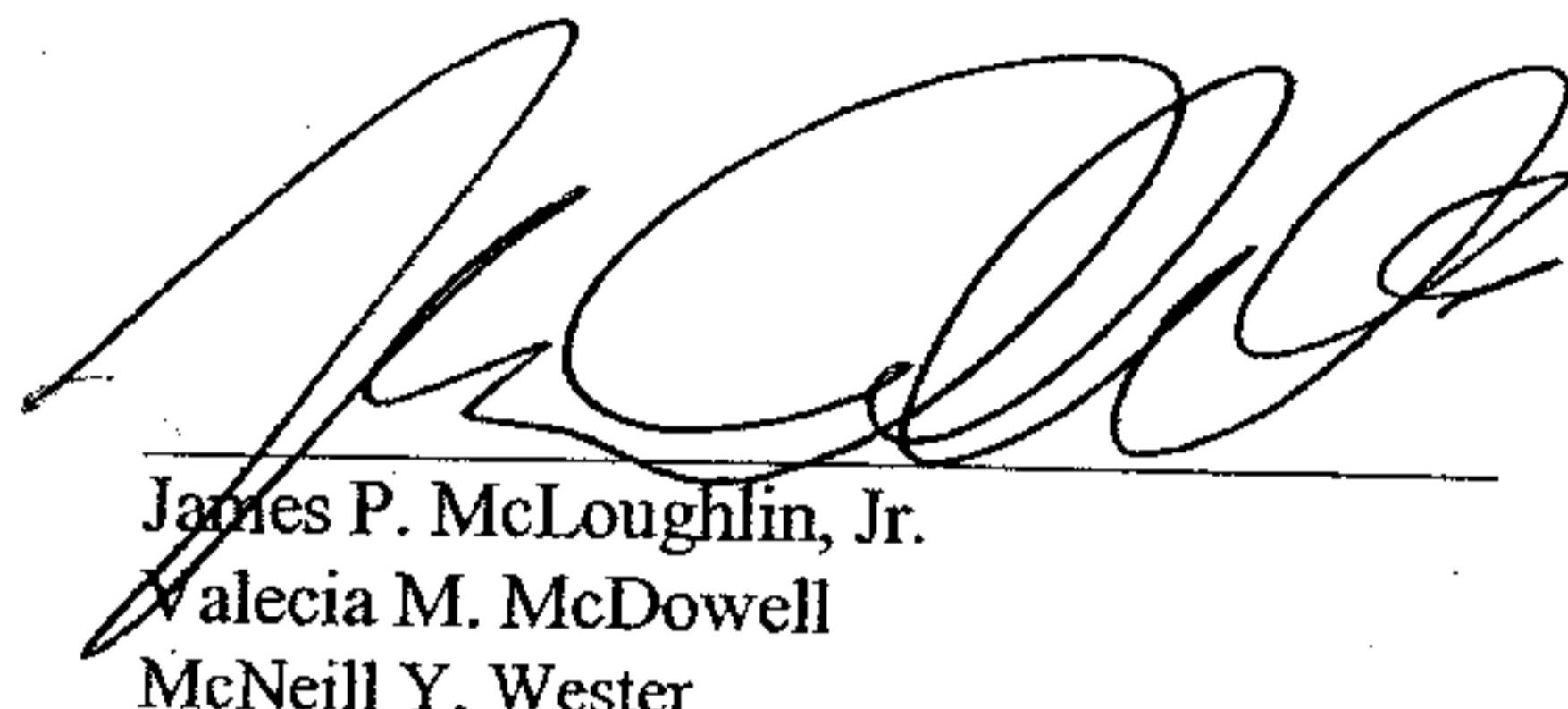
3. Defendants have not had sufficient time to compile information and otherwise respond to the complaint;

4. Defendants have consulted with counsel for Plaintiff and Plaintiff's counsel has consented to the extension of time; and

5. This extension of time will cause no unreasonable delay in the resolution of this action.

WHEREFORE, Defendants FairPoint and Johnson pray that this Court enter an order extending the time within which they must respond to Plaintiff's complaint through and including August 12, 2005 and Defendants Kelso Equity, Kelso & Company, Kelso Investment, Matelich, Bynum and Bergstein pray that the Court enter an order extending the time within which they must respond to Plaintiff's complaint thereof and entered August 13, 2005.

This the 11th day of July, 2005.



James P. McLoughlin, Jr.
Alecia M. McDowell
McNeill Y. Wester

ATTORNEYS FOR DEFENDANTS

Eugene B. Johnson
Daniel B. Bergstein
Kelso Investment Associates V, L.P.
Kelso Equity Partners V, L.P.
Frank K. Bynum, Jr.
George E. Matelich
Kelso & Company
FairPoint Communications, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **MOTION FOR EXTENSION OF TIME** has been served this day by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in postage prepaid envelopes and properly addressed as follows:

John T. O'Neal
Donaldson & Black, P.A.
208 West Wendover Avenue
Greensboro, NC 27401
(336) 273-3812

Jeffrey S. Abraham
Abraham, Fruchter & Twersky LLP
One Penn Plaza
Suite 2805
New York, NY 10119
(212) 279-5050

This the 11th day of July, 2005.

